IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11788 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJESHKUMAR CHUNILAL MODI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 11788 of 2003

MR HASMUKHRAI S DAVE for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 10/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel,

Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that the petitioner wanted to get his date of birth changed in his passport and, therefore, has given an application dated 7.7.2003, but the said application is not being entertained by the respondent. It has been submitted by learned advocate Shri H.S. Dave appearing for the petitioner that the petitoner is having passport bearing No. T-565304, wherein his date of birth has been recorded as 19.5.1961. The said date of birth had been recorded on the basis of school leaving certificate presented by the petitioner along with the passport application form.

3. It has been submitted by the learned advocate that after issuance of the passport, the petitioner has learnt that his correct date of birth is 19.10.1961 as reflected in his birth certificate. In view of the said fact, he wants the correct date of birth to be recorded in his passport.

4. The petitioner has, therefore, prayed that the respondent authority be directed to issue a new passport with the correct date of birth of the petitioner as shown in the birth certificate.

5. Learned advocate Shri N.J. Shah appearing for the respondent authority has submitted that only on the basis of material given by the petitioner, his date of birth was recorded as 19.5.1961. It is his case that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the passport authority is satisfied with the genuineness of the data to be corrected.

6. I have heard the learned advocates. Looking to the facts of the case, the respondent is directed to look into the application dated 7.7.2003 submitted by the petitioner and the evidence adduced by the petitioner to the respondent in support of his case that his date of birth is 19.10.1961. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

7. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing

correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

8. It is hoped that the respondent authority shall scrutinize the application and shall take appropriate action as soon as possible.

The petition is allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)